DEC 1 3 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant

Hiscott, John et al.

Appla. No.

09/647,965

Filed:

October 6, 2000

Title:

Highly Active Forms of Interferon Regulatory Factor Proteins

Grp./A.U.

1636

Examiner

Terry A. McKelvey

Docket No. A33606-PCTUS

DECLARATION PURSUANT TO 37 CFR § 1.132

We, JOHN HISCOTT and RONGTUAN LIN, hereby declare that:

- 1. We are the inventors of the subject matter described and claimed in the above-identified application.
- 2.. The reference entitled "Virus-Dependent Phosphorylation of the IRF-3 Transcription Factor Regulates Nuclear Translocation, Transactivation Potential, and Proteasome-Mediated Degradation" (Molecular and Cellular Biology, May 1998, Vol. 18, No: 5, pp. 2986-2996) identified in the Office Action of July 13, 2004 as "Lin et al. (Applicant reference BS)" (hereinafter referred to as "Lin et al.") names Rongtuan Lin, Christophe Heybrocck, Paula M. Pitha and John Hiscott as co-authors.
- 3. We, John Hiscott and Rongtuan Lin jointly invented the subject matter disclosed in the Lin et al. reference.
- 4. Christophe Heybroeck was named as an author in the Lin et al. reference because he was a graduate student working in the lab of Dr. John Hiscott when the invention was made and provided technical assistance with some of the experimental techniques that were used. Christophe Heybrocck worked under the supervision and direction of Dr. Hiscott and he did not participate in, or contribute to, the conception or invention of the subject matter disclosed in the Lin et al. reference.
- 5. Paula M. Pitha was a collaborator on this study and provided the initial IRF3 plasmid used for the work. She did not participate in, or contribute to, the conception or invention of the subject matter disclosed in the Lin et al. reference.
- 6. Accordingly, the Lin et al. reference describes subject matter jointly invented by the two of us, and to which Christophe Heybroeck and Paula M. Pitha contributed only technical assistance.
- 7. I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under

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section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Date De. 7, 2004

John Hiscort

TO:USFT3

Date_Dec-7, 2004

Rongtuan Lin